

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GENESIS URENA FRANCISCO
AND AMANTINA FRANCISCO

Civil No.

Plaintiffs

Vs.

DE DIEGO AMBULATORY CLINIC
GROUP INC. D/B/A CLINICA
AMBULATORIA DE DIEGO INC.
AND/OR SAN JUAN HEALTH
CENTRE, AND ITS INSURANCE
COMPANY "A"; DR. EDWIN RIVERA
LOPEZ AND HIS CONJUGAL
PARTNERSHIP "B", AND HIS
INSURER "C"; UNKNOWN
DEFENDANTS AND INSURERS
WHOSE IDENTITIES OR EXISTENCE
ARE UNKNOWN "D" THROUGH "Z"

TRIAL BY JURY IS DEMANDED

Defendants

COMPLAINT

TO THE HONORABLE COURT:

NOW COMES plaintiffs, represented by the undersigned attorneys, and respectfully
allege and pray:

I. JURISDICTION

This Honorable Court has subject matter jurisdiction over the present claims based on
diversity of citizenship, since plaintiff Génesis Ureña Francisco is a resident of the State of
Florida, United States of America, and all defendants are residents of the Commonwealth of

Puerto Rico with the matter in controversy exceeding the jurisdictional amount of \$75,000.00, all pursuant to 28 U.S.C. 1332.

II. PARTIES

1. Plaintiffs Génesis Ureña Francisco and her mother Amantina Francisco of legal age, and domiciled in the State of Florida.

2. Co-defendant Dr. Edwin Rivera López, hereinafter referred to as “Dr. Rivera”, is a resident of the Commonwealth of Puerto Rico, where he practices medicine, and was at all times pertinent employed or a contractor of codefendant De Diego Ambulatory Clinic Group Inc. D/B/A as Clínica Ambulatoria de Diego Inc. and/or San Juan Health Centre, a hospital that offered through him emergency room services to co-plaintiff Génesis Ureña. His conjugal partnership with his wife is denominated as unknown defendant “B” in this case.

3. Co-defendant De Diego Ambulatory Clinic Group Inc. D/B/A as Clínica Ambulatoria de Diego Inc. and/or San Juan Health Centre, hereinafter referred to as “San Juan Health Centre”, is a Puerto Rico corporation and citizen, which operates a hospital in San Juan Puerto Rico under the name of San Juan Health Centre, including an emergency room where plaintiff was treated at all times pertinent.

4. Co-defendants “A” and “C” are, at all times pertinent, the unknown insurance companies who covered the professional and legal responsibility of codefendants Dr. Edwin Rivera López and De Diego Ambulatory Clinic Group D/B/A as Clínica Ambulatoria de Diego and/or San Juan Health Centre, respectively, with insurance policies covering, partially or completely, the damages alleged in the present complaint.

5. Co-defendants “D” to “Z” are unknown co-defendants, and/or co-defendants whose identities are unknown, who could have contributed to the damages suffered by plaintiffs through

their negligence, and/or insurance companies who may also cover, partially or completely, the allegations against defendants in this complaint.

III. FACTS, LIABILITY AND DAMAGES

1. On June 16th, 2012 co-plaintiff Génesis Ureña Francisco went to the San Juan Health Centre Emergency Room complaining of vomits, nausea, and a sharp pain in her abdomen. The patient was treated by the emergency room staff of San Juan Health Centre from 8:25 am until her discharge at 12:30 pm. The physician who treated and discharged her was Dr. Rivera. The discharge diagnosis was “vomiting” and “gastritis”.

2. Dr. Rivera and the Emergency Room staff of San Juan Health Centre did not undertake the necessary examinations, testing, or place any consultations in order to reach his diagnosis, all of which falls well below the standard of medical care and are negligent acts/omissions. Upon discharge defendants did not perform a differential diagnosis of plaintiff's symptoms and signs, all against the proper standard of medical care. Hence, co-plaintiff Ureña was negligently discharged with an undiagnosed medical issue and in unstable condition.

3. On June 17th, 2012 plaintiff Ureña went to Hospital Presbyteriano, where she underwent the proper medical screening and examinations that showed that she had a perforated appendicitis containing collection in the right lower quadrant. She was also diagnosed with an abscess. The physicians at Hospital Presbyteriano recognized that this was a medical urgency and submitted plaintiff to an emergency appendectomy to save her life.

4. The effects of defendants' negligence caused Ms. Ureña an abscess and peritonitis, damaged her organs and prolonged her stay at the hospital. She had to spend about 14 days in the hospital treating her complications, battling between life and death. Residual physical damages have remained. Plaintiff suffered horrible physical pains and incapacities, and also suffered grave

emotional anguish and depression due to defendants' negligence, including the fear of dying and grave bodily harm. Her mother, Amantina Francisco, also suffered terrible mental and emotional anguish as she watched her daughter suffer, had to take care of her daughter, and feared for her life and health. Defendants' negligence and them damages haunt plaintiffs to this day through panic attacks, fears and sadness. Plaintiffs also suffered economic damages in the form of loss of income and expenses that cannot be calculated exactly at the moment. All these damages are estimated in \$1,500,000.00.

5. The negligence of co-defendants San Juan Health Centre, its medical and nursing staff, either retained or employed, including Dr. Rivera, were the direct cause of plaintiff's damages, and they must compensate her for those. San Juan Health Centre is legally responsible for plaintiffs' damages vicariously as Dr. Rivera and their ER staff were employees or contractors of theirs. Additionally, unknown insurance companies "A" and "C" are responsible to pay for plaintiff's damages under insurance policies that they issued covering the allegations of this complaint in favor of San Juan Health Centre and Dr. Rivera, respectively. Also, co-defendants "D" to "Z", who are the unknown co-defendants, and/or co-defendants whose identities are unknown, who contributed to the damages suffered by plaintiff through their negligence, and/or insurance companies who may also cover, partially or completely, the allegations against defendants in this complaint, must compensate plaintiff for her damages.

6. Plaintiff tolled the statute of limitations by filing a complaint at the local court under Civil #KDP 13-0732 on June 17th, 2013. This complaint was voluntarily dismissed on November 7th, 2013, and a judgment approving said voluntary dismissal was issued.

IV. JURY DEMAND

Plaintiff demands a trial by jury as to all claims and issues alleged and so triable.

WHEREFORE, it is respectfully prayed from this Honorable Court that judgment be entered against defendants and on behalf of plaintiff in the amount of \$1,500,000.00 as compensation for plaintiff's damages, with the imposition of the costs and expenses of this litigation, reasonable attorney fees and legal interests since the date of the filing of this complaint.

RESPECTFULLY SUBMITTED.

AT SAN JUAN, PUERTO RICO, THIS 22nd OF OCTOBER 2014.

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Statement under penalty of perjury

We, Génesis Ureña Francisco, and Amantina Francisco, of legal age, and resident of the State of Florida, under oath state and depose:

1. That our name and personal circumstances are as above stated.
2. That the foregoing document information contained in the present document is true and correct based on our best recollection and belief, and based on the information given to us by our attorneys.

Wherefore, I sign the present document in good faith, in San Juan, Puerto Rico, on this day of OCTOBER 2014.

GENESIS URENA FRANCISCO



AMANTINA FRANCISCO

